APPENDIX

Letters Sent on Behalf of the Attorney General Objecting to Reapportionment Plans Submitted to Him Pursuant to Section 5 of the Voting Rights Act of 1965

A-2 Letter from Assistant Attorney General Norman to Griffin Norquist, Attorney at Law, Yazoo County, Mississippi, July 19, 1971.

A-5 Letter from Assistant Attorney Norman to Jack P. F. Gremillion, Attorney General, State of Louisiana, August 20, 1971.

A-11 Letter from Assistant Attorney General Norman to Leon F. Hannaford, County Attorney, Tate County, Mississippi, December 8, 1971.

A-13 Letter from Assistant Attorney General David L. Norman to Thomas Watkins, Attorney at Law, Hinds County, Mississippi, July 14, 1971.

Jul. 19, 1971

Mr. Griffin Norquist
Attorney at Law
Post Office Box 87
Yazoo City, Mississippi 39194

Dear Mr. Norquist:

This is in reference to the proposed redistricting plan which was submitted to the Attorney General by you on behalf of Yazoo County, Mississippi, under Section 5 of the Voting Rights Act of 1969.

We have given careful consideration to the submitted changes and supporting information as well as data compiled by the Bureau of Census and information we have received from private citizens. On the basis of this information we are unable to conclude that the changes submitted by Yazoo County satisfy the constitutional requirements to which Section 5 is directed.

We have attempted diligently to obtain and apply all available information bearing on the racial effect of the submitted supervisors' districts. In doing so, we find that the population of proposed District 1 is apparently nearly twenty percent below the norm of equal representation per district for Yazoo County, and that the population of District 4 is approximately fifteen percent above that norm. Accordingly, these districts would be, respectively, over and under represented. Further, our analysis indicates, for example, that, numerically, the black population of proposed District 1, which is apparently overrepresented, is smaller than the black population of the

other four submitted districts; whereas the black population of District 4, which apparently is underrepresented, is larger than the other submitted districts. Thus, not only are there serious problems with the redistricting plan under the one man, one vote requirement, but it is not sufficiently clear to us that the plan meets Fifteenth Amendment requirements.

Our difficulty is compounded by the fact that the district boundary lines within the City of Yazoo unnecessarily divide the black residential areas into each of the five districts. These lines do not seem to be related to numeric population configurations, or to considerations for district compactness, or to a standard of regularity of shape. In short, while we do not imply a purpose to discriminate, we are required by the Act to look to the effect as well; and under the circumstances here, we cannot approve the proposed change.

With respect to the reregistration of voters which has been conducted in Yazoo County, it is our understanding that under Mississippi law and by order of the Yazoo County Board of Supervisors no person will be denied the right to vote in the forthcoming elections if he has been properly registered on either the old or the new set of books for the required statutory period. Based on this understanding, the Attorney General will not interpose an objection to the reregistration at this time. Because of our objection as noted above to the redistricting, however, the proposed districts cannot be used to deny any registrant the right to vote.

I am not unmindful of the problems created by this action coming, as it does, so close to the county's scheduled August primary election. I assure you of our continuing interest in discharging our responsibilities under

the Voting Rights Act in a way that will achieve the purposes of the Act while minimizing disruption to local authorities. To that end I offer the full cooperation of this office in dealing with these problems.

Sincerely,

DAVID L. NORMAN
Acting Assistant Attorney General
Civil Rights Division

DEPARTMENT OF JUSTICE

Washington

Aug. 20, 1971

Honorable Jack P. F. Gremillion
Attorney General
State of Louisiana
Baton Rouge, Louisiana

Dear Mr. Attorney General:

This letter is in reference to the enactments amending Sections 35 and 35.1 of Title 24 of the Louisiana Revised Statutes of 1950 reapportioning districts for the Louisiana Senate and House of Representatives. These reapportionment enactments were submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, 42 U.S.C. 1973c, as construed by the Supreme Court, *Fairley* v. *Patterson*, 393 U.S. 544, 569 (1969); *Perkins* v. *Matthews*, 400 U.S. 379, 394 (1971).

Your submission was initially received on July 2, 1971, and additional material necessary to evaluate the changes was received on July 21 and July 26, 1971.

We have given careful, and expedited, consideration to the submitted changes and the supporting information as well as information received from private citizens and data supplied by the Bureau of the Census.

However, after consideration of the proposed plan to reapportion the legislature, I must inform you that the Attorney General is unable to conclude that the reapportionment plan does not have the purpose and will not have the effect of abridging the right of Negro citizens of Louisiana to vote on account of race or color. For

the reasons set forth below, on behalf of the Attorney General, I must interpose an objection to the proposed reapportionment of the House of Representatives and State Senate.

In the limited time available, we have identified several districts in widely scattered parts of the state in both houses of the legislature where there appears to be a discriminatory racial effect as defined in decisions such as *Gomillion* v. *Lightfoot*, 364 U.S.C. [*sic*] 339; *Sims* v. *Bagett*, 247 F. Supp. 96; and, *Allen* v. *Board of Elections*, 393 U.S. 544. Since any modification of these districts will necessarily affect other districts, and because time restrictions prevent a more detailed analysis, this objection is directed to the entire plan.

For example, the House plan allocates the 105 members to 53 districts made up of 28 single member districts and 25 multi-member districts electing up to 8 members. In Orleans Parish, the 1970 census indicates there are 593,471 persons of whom 267,244, or approximately 45 per cent, are black. The parish is divided into 11 districts electing 18 representatives, seven from single member districts. Notwithstanding the existence of a number of identifiably black residential neighborhoods, only two districts, No. 43 and No. 52 (2 members) have a black majority population, and in No. 52, the black voting age population is less than a majority.

In determining whether this result was occasioned by the way the district boundaries were drawn, we found that District 43, the present residence of the state's only black legislator, is an extraordinarily shaped 19-sided figure that narrows at one point to the width of an intersection, contains portions of three present districts, and suggests a design to consolidate in one district as many black residents as possible. Census data show 33,364 blacks, 3,133 whites, and 101 other races in this district.

The district is also overpopulated from the ideal population of 34,697, by more than 5.5 per cent.

On the other hand, District 52, an adjoining district electing two members, is made up of parts of two former districts and contains, according to the census, 33,010 blacks, 26,452 whites, and 233 other races, or about 55 per cent black. We compute the voting age population, however, at 19,079 (49.62%) black, 19,369 white, and according to state records, the registered voters are 12,582 white and 8,884 blacks. This district is significantly underpopulated (29,847 per member) and the proximity to overpopulated District 43 suggests that the two could have been easily equalized. Moreover, our analysis show no compelling reason for this district being a two member district and none has been suggested, although were it divided into two single member districts along a north-south axis similar to other districts in this area, one of the resulting districts would have had a clear preponderance of black voting age population.

On the Senate side, we find that although the two Orleans house districts discussed above (43 and 52) are adjacent districts and have a joint population (96,293) well within the deviation from the ideal (93,401) used for single member senate districts; in the plan, they were not combined in what would have been a heavily majority black district. Instead a new boundary was constructed using all of House District 52 and part of House District 43, and combining them with majority white Districts 44, 45 and most of District 46. The result is two member senate district 23 with a nominal black population majority of 52.6 per cent (92,332 black, 82,886 white) but a calculated voting age population of 53,359 black (47.0 per cent) and 60,150 whites.

Another example of apparent racial effect resulting from the selection of house districts in Orleans is Dis-

trict 48. This is a three member district made up of two non-contiguous parts separated by the Mississippi River with one situated over a mile downstream from the other. According to the census, this district is populated by 45,478 blacks (48.5%), 47,724 whites, and 530 other for a total of 93,782 persons. The northern segment of the districts, however, is 33,145 white, 43,407 black (56.3%). The racial character of this district was thus reversed by adding in the non-contiguous southern part (14,579 white, 2,046 black). We have been unable to discover any community of interest between these two sections and also note that a logical subdivision of the northern segment would have resulted in at least one predominantly Negro district.

We have found similar racial effects in the formation of districts in other parts of the state. House District 33, for example, combines populous Caddo Parish (Shreveport) with adjoining DeSoto Parish. DeSoto has a majority black population which is merged into Caddo's predominantly white population to form a seven member district elected at large.

On the Senate side, however, an entirely different plan is used for this area in which DeSoto is joined with only a portion of Caddo and with Bienville and Claiborne Parishes to form a white majority district separated in two parts by Bossier and Webster Parishes. While all six parishes are denominated as Senate District 2, the district in fact is subdivided into three divisions with Shreveport electing two senators, Bossier and Webster electing one, and the above described split district electing the other.

In evaluating the rural areas of the state we find similar problems. For example, there are three majority Negro parishes, Madison, East Carroll and Tensas which lie next to each other along the Mississippi River and share many common interests such as forming State

Judicial District Six. The joint population of these parishes (37,689) is well within deviation from the ideal used in other districts and could have formed a single member house district. Instead, Madison and East Carroll were joined with the majority white inland parishes of Richland and Franklin to form two member majority white District 39. Tensas was joined with majority white Concordia Parish to form single member District 40. In the senate plan for this area the three subject parishes remained separate and two other parishes were added to House District 39 to form Senate District 4.

Accordingly, our review of this plan indicates that there are apparent racially discriminatory effects in both houses of the legislature in widely disparate parts of the state, and that to correct these effects the plan would have to be substantially revised in whole or in part. If the legislature undertakes such revision you may wish to call to its attention the opinion of the District Court for the Southern District of Mississippi in *Connor* v. *Johnson* (C.A. No. 8870, S.D. Miss., May 18, 1971). In that case, the court in drafting its own reapportionment plan indicated a preference for minimizing the number of multi-member districts. We make this suggestion only because many of the inferences of discriminatory effect in the present proposal involve multi-member districts.

We have reached the conclusions set forth in this letter reluctantly because we fully understand the complexities facing any state in designing a reapportionment plan to satisfy the needs of the state and its citizens and, simultaneously, to comply with the mandates of the federal Constitution. We are persuaded, however, that the Voting Rights Act compels this result. Under that Act, of course, the only function of the Attorney General is to object or approve submitted legislation and we are not authorized nor would it be apropriate for us to recommend alternative approaches. Much of our analysis was

based on information furnished by the U.S. Census Bureau and, should it be of use to you in understanding our determination or in advising the legislature further, we would be pleased to make it available.

I should like to add that the Voting Rights Act of 1965 permits seeking approval of all changes affecting voting by the United States District Court for the District of Columbia irrespective of whether the change has previously been submitted to the Attorney General.

Inasmuch as the United States District Court for the Eastern District of Louisiana has deferred proceedings in pending cases involving this reapportionment plan awaiting the determination of the Attorney General under the Voting Rights Act, I am taking the liberty of furnishing a copy of this letter to the Court.

Sincerely,

/s/ David L. Norman
DAVID L. NORMAN
Acting Assistant Attorney General
Civil Rights Division

Dec. 8, 1971

Mr. Leon F. Hannaford
County Attorney
Tate County
Senatobia, Mississippi 38668

Dear Mr. Hannaford:

This is in reference to your submission to the Attorney General, pursuant to Section 5 of the Voting Rights Act of 1965, of the reapportionment and changes in precincts and polling places for Tate County, Mississippi. Based on our understanding of September 1, 1971 the sixty-day period with respect to this submission was suspended until we received from the Bureau of the Census corrected 1970 U.S. Census statistics for Tate County.

On October 6, 1971 this Department received those corrected census statistics. As I am sure you are aware, our review of your 1966 reapportionment was based on these 1970 U.S. census statistics and other additional information you provided to us.

On the basis of our analysis of these revised census statistics and other available information, we are unable to conclude at this time that the submitted reapportionment plan will not have the effect of denying or abridging the right of the Negro citizens of Tate County to vote on account of their race or color. Therefore, on behalf of the Attorney General, I must interpose an objection to this reapportionment plan.

This objection is based on variances in equal representation among the five districts. The revised census statistics of Tate County indicate, for example, that District 1 with a population of 8145 is the most underpopulated and consequently overrepresented district in Tate

County. District 1 also has a 63.9% white-majority. District 3 has a population of 4403 and is the most overpopulated and consequently underrepresented district in the county. In addition, District 3 with a 56.9% black majority has the largest concentration of blacks in Tate County.

Additionally, aside from this racial disparity, the plan presents deviations from equal representation which seem inconsistent with the one-person, one-vote requirement. The deviations in the proposal range from a minus 15.1% in District 1 to a plus 18.7% in District 3 for a total deviation of 33.8%. This total deviation from equal representation exceeds any deviation so far approved by the courts. See *Kirkpatrick* v. *Preisler*, 394 U.S. 526 (1969), *Wells* v. *Rockefeller*, 394 U.S. 542 (1969), and *Abate* v. *Hundt*, 403 U.S. 182 (1971).

In view of this objection, I suggest that the Board of Supervisors may wish to devise another reapportionment plan for Tate County. Any new proposal, of course, should be submitted either to the Attorney General or to the United States District Court for the District of Columbia pursuant to Section 5. I suggest that any new plan be submitted as soon as practical so that the matter can be resolved and the plan can be implemented prior to the 1972 scheduled elections.

If you have any questions raised by any matters discussed in this letter or if I can aid your resubmission in any way, do not hesitate to call on me or my staff.

Sincerely,

DAVID L. NORMAN
Acting Assistant Attorney General
Civil Rights Division

A-13

July 14, 1971

Mr. Thomas Watkins
Watkins & Eager
Attorneys at Law
Post Office Box 390
Jackson, Mississippi 39505

Dear Mr. Watkins:

This is in reference to the proposed redistricting plan which was submitted to the Attorney General by you on behalf of Hinds County, Mississippi, under Section 5 of the Voting Rights Act of 1969.

We have given careful consideration to the submitted changes and supporting information as well as data compiled by the Bureau of the Census, court records and information we have received from private citizens. On the basis of this information we are unable to conclude that the changes submitted by Hinds County satisfy the constitutional requirements to which Section 5 is directed.

In comparing the data compiled by Comprehensive Planners, Inc., with that found by the Bureau of the Census for the county's supervisors' districts prior to redistricting, we find substantial and apparently irreconcilable discrepancies in the population and location of residents of Hinds County. It is our view that for purposes of reapportionment and Voting Rights Act evaluation the figures supplied by the Bureau of Census must be accepted as accurate. Unfortunately, these compilations are not made in such a way that one can determine either the households or population figures for the new districts submitted by Hinds County.

Thus, we have encountered a problem similar to the problem faced by the three-judge panal during the hear-